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1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 LORRIE M. YOST, State Bar No. 119088
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 445-2271
6 Facsimile: (916) 327-8643

Board of Vocational Nursing
and Psychiatric Technicians

7 Attorneys for Complainant

8
9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **FOR THE BUREAU OF VOCATIONAL NURSING**
AND PSYCHIATRIC TECHNICIANS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. PT-2006-2308

13 HOPE RENEE WICK,
a.k.a. HOPE WICK
14 73 La Gaviota
Pismo Beach, California 93449

ACCUSATION

15 Psychiatric Technician License No. PT 31579

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

- 20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this
21 Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational
22 Nursing and Psychiatric Technicians ("Bureau"), Department of Consumer Affairs.
- 23 2. On or about February 6, 2003, the Bureau issued Psychiatric Technician
24 License Number PT 31579 to Hope Renee Wick, also known as Hope Wick ("Respondent").
25 Respondent's psychiatric technician license was in full force and effect at all times relevant to the
26 charges brought herein and will expire on August 31, 2010, unless renewed.

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STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 4520 provides, in pertinent part, that the Board may discipline any licensed psychiatric technician for any reason provided in Article 3 (commencing with section 4520) of the Psychiatric Technicians Law (Code § 4500, et. seq.)

4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 4545, the Board may renew an expired license at any time within four years after the expiration.

5. Code section 4521 states, in pertinent part:

The board may suspend or revoke a license issued under this chapter [the Psychiatric Technicians Law (Bus. & Prof Code section 4500, et seq.)) for any of the following reasons:

(a) Unprofessional conduct, which includes but is not limited to any of the following:

....

(5) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(6) Be convicted of a criminal offense involving the falsification of records concerning prescription, possession, or consumption of any of the substances described in paragraphs (4) and (5), in which event the record of the conviction is conclusive evidence of the conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline.

....

(f) Conviction of any offense substantially related to the qualifications, functions, and duties of a psychiatric technician, in which event the record of the conviction shall be conclusive evidence of the conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline . . .

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1 6. Code section 4523 states:

2 A plea or verdict of guilty or a conviction following a plea of nolo
3 contendere made to a charge substantially related to the qualifications,
4 functions and duties of a psychiatric technician is deemed to be a conviction
5 within the meaning of this article. The board may order the license suspended or
6 revoked or may decline to issue a license, when the time for appeal has lapsed,
7 or the judgment or conviction has been affirmed on appeal or when an order
8 granting probation is made suspending the imposition of sentence, irrespective
9 of a subsequent order under the provisions of Section 1203.4 of the Penal
10 Code allowing the person to withdraw his plea of guilty and to enter a plea of
11 not guilty, or setting aside the verdict of guilty, or dismissing the
12 accusation, information, or indictment.

13 7. Code section 22, subdivision (a), states:

14 "Board" as used in any provision of this Code, refers to the board in
15 which the administration of the provision is vested, and unless otherwise expressly
16 provided, shall include "bureau," "commission," "committee," "department,"
17 "division," "examining committee," "program," and "agency."

18 8. California Code of Regulations, title 16, section 2578, states, in pertinent
19 part:

20 For the purposes of denial, suspension, or revocation of a license pursuant
21 to Division 1.5 (commencing with Section 475) of the Business and Professions
22 Code, a crime or act shall be considered to be substantially related to the
23 qualifications, functions or duties of a licensed psychiatric technician if to a
24 substantial degree it evidences present or potential unfitness of a licensed
25 psychiatric technician to perform the functions authorized by his license in a
26 manner consistent with the public health, safety, or welfare . . .

27 Cost Recovery

28 9. Code section 125.3 provides, in pertinent part, that a Board may request
the administrative law judge to direct a licensee found to have committed a violation or
violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

 10. Respondent is subject to disciplinary action pursuant to Code section
4521, subdivision (f), in that on or about August 29, 2007, in the criminal proceeding titled
People v. Hope Renee Wick (Super. Ct. San Luis Obispo County, 2007, Case No. M000404713),
Respondent was convicted by the court on her plea of no contest to violating Vehicle Code

1 section 23152, subdivision (b) (driving while having a 0.08% or higher blood alcohol level, a
2 misdemeanor), and Penal Code section 148, subdivision (a)(1) (resisting, obstructing, or delaying
3 a peace officer or EMT), crimes substantially related to the qualifications, functions, and duties
4 of a psychiatric technician.

5 11. The circumstances of the crime are as follows: On or about June 10, 2007,
6 Sgt. Sanchez with the City of Arroyo Grande Police Department responded to the area of
7 Halcyon Road and Fair Oaks Avenue on the report of a possible DUI driver. Sgt. Sanchez
8 located a GMC Yukon matching the description given in the report, activated his emergency
9 lights, and attempted to conduct a traffic stop. Sgt. Sanchez contacted the driver, who was later
10 determined to be Respondent. Another peace officer, Officer Smiley, placed Respondent under
11 arrest for violating Vehicle Code section 23152, subdivision (a) (driving under the influence of
12 alcohol or drugs), due to Respondent's driving pattern; objective symptoms of alcohol
13 intoxication, including glassy/red/watery eyes, droopy eyelids, slurred speech, the moderate odor
14 of an alcoholic beverage coming from Respondent's person, the presence of horizontal-gaze
15 nystagmus with an angle of onset at approximately 35 degrees, indicating an approximate blood
16 alcohol level of 0.15%, and no vertical nystagmus; admissions¹; and performance on the SFST's.
17 While being taken into custody, Respondent resisted arrest and in the process, kicked Officer
18 Smiley in the chest. Due to her actions, Respondent was also arrested for violating Penal Code
19 sections 243, subdivision (b) (battery on a peace officer) and 148, subdivision (a)(1).
20 Respondent was transported to the Arroyo Grande Community Hospital Emergency Room,
21 where she submitted a blood sample. Respondent's blood alcohol level was determined to be
22 0.13%.

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28 1. Respondent admitted to Officer Smiley that she consumed two mixed alcohol drinks at a local bar.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Use of Alcoholic Beverages to an Extent or in a Manner**

3 **Dangerous or Injurious to Oneself or Others)**

4 12. Respondent is subject to disciplinary action pursuant to Code section
5 4521, subdivision (a)(5), on the grounds of unprofessional conduct, in that on or about June 10,
6 2007, Respondent consumed alcoholic beverages to an extent or in a manner dangerous or
7 injurious to herself, others, and the public, as set forth in paragraphs 10 and 11 above.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Conviction of a Crime Involving the Consumption of Alcoholic Beverages)**

10 13. Respondent is subject to disciplinary action pursuant to Code section
11 4521, subdivision (a)(6), on the grounds of unprofessional conduct, in that on or about August
12 29, 2007, Respondent was convicted of a criminal offense involving the consumption of
13 alcoholic beverages, as set forth in paragraph 10 above.

14 **MATTERS IN AGGRAVATION**

15 14. To determine the degree of discipline, if any, to be imposed on
16 Respondent, Complainant alleges as follows:

17 a. On or about December 21, 1998 in the criminal proceeding titled *People v.*
18 *Hope Renee Wick* (Sutter County Consolidated Municipal and Superior Court Case No. CRTR-
19 98-2941), Respondent was convicted of violating Vehicle Code section 23152, subdivision (a)
20 (driving while under the influence, a misdemeanor), a crime substantially related to the
21 qualifications, functions, and duties of a psychiatric technician.

22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein
24 alleged, and that following the hearing, the Bureau of Vocational Nursing and Psychiatric
25 Technicians issue a decision:

26 1. Revoking or suspending Psychiatric Technician License Number
27 PT 31579, issued to Hope Renee Wick, also known as Hope Wick;

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2. Ordering Hope Renee Wick, also known as Hope Wick, to pay the Bureau of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: November 17, 2008

for *Maria O. Jones*
TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Bureau of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California

Complainant